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*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 4, 1997

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Ref: In the Matter of Review of the Commission  
Rules regarding the main studio and local  
public inspection files of broadcast television  
and radio stations, 47 C.F.R. §§ 73.1125,  
73.3526 and 73.3527

MM Docket No. 97-138

Dear Mr. Secretary:

The United States Catholic Conference ("USCC") respectfully submits these informal comments in response to the Reply Comments of the Office of Communication of United Church of Christ, *et al.* ("UCC") in the above-captioned proceeding.

The Federal Communications Commission ("FCC") has requested public comment on whether to relax the main studio-public file rules, 47 C.F.R. §§ 53.1125 (a) and 53.3526-27 ("main studio/public file rules" or "the rules"), and permit licensees to locate the public files in locations outside the community of license. USCC has endorsed the main studio public file rules in prior proceedings before the FCC. *See* Comments and Supplement to Comments of USCC in MM Docket No. 96-406, dated April 15 and December 22, 1986. In this above-captioned rulemaking, the USCC supports the reply comments of UCC et al., dated September 8, 1997. USCC urges the FCC to adopt UCC's proposal that the main studio be located within the principal community contour of the

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broadcast licensee as long as it is not located more than 25 miles from the center of the community. This proposal ensures that the public will continue to have access to the licensee's offices and public files.

The main studio-public interest rules require television licensees to locate their main studio within their community of license and to keep their public file in that main studio. The public file must contain the licensee's quarterly reports listing programs aired which serve community needs, quarterly reports listing the educational/informational programs for children aired, the last renewal applications, latest ownership report, EEO reports, letters of complaint from the public and all FCC-licensee correspondence. The public file is the essential source of information for the public on its licensee's service. It serves as a necessary factual basis for correspondence from the public to the FCC on licensee compliance with FCC regulations.

As UCC correctly argues, proposals to weaken the main studio-public file rules run contrary to the emphasis placed by the FCC in its radio and television deregulation orders on public participation in licensing decisions. Likewise, weakening the main studio-public file rules undermines the Children's Television Act regulations that only recently took effect September 1. Those new regulations encourage and rely on public review of licensees' reports of its educational and informational children's television reports and on public interviews with the licensee's children's liaison.

The FCC originally promulgated the main studio-public file rule "to effectuate the mandate of Congress to permit greater participation in . . . [application] proceedings." *Records of Broadcast Licensees*, 4 RR2d 1664, 1665 (1965). The FCC acknowledged then that placing public files at a distance from the public defeats Congress' intention to permit informed public participation in

licensing proceedings. *Id.* at 1666, 1667.

The FCC made public participation in licensing proceedings a necessity in its radio and television deregulation proceedings. As UCC ably explains in its Reply Comments, the FCC stated in its deregulation orders that “citizen complaints and formal petitions to deny provide an important monitoring function ... relative to an individual licensee’s compliance.” Revision of Programming and Commercialization Policies, 98 FCC 22d 1076, 1091 (1984). Following radio deregulation, rather than rely on program logs and other regulatory requirements, the FCC looked to “the experience of those with the most extensive knowledge and greatest interest in each station’s programming, its listening audience” to inform it of facts necessary to help it “meet our public interest oversight and other statutory responsibilities.” Deregulation of Radio, 84 FCC2d 968, 1010 (1981).

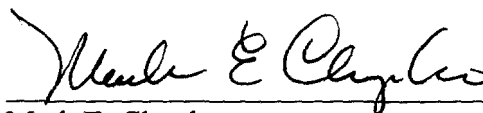
Just last year, the FCC stated that the licensee’s public file, which must contain children’s television reports, “enhance[s] public access to and use of the information in these reports. . . without materially increasing any burden on the licensee.” Children’s Television Programming Report, 3 CR 1385, 1404 (1996). The guiding principle behind the additional requirement that the children’s television reports be kept in the public file was that “[f]acilitating access to children’s programming reports will facilitate public monitoring and increase broadcaster accountability under the CTA.” *Id.* at 1406. “[E]asy public access to information by the public permits the Commission to rely more upon marketplace forces to achieve the goals of the CTA and facilitates enforcement of the statute.” *Id.* at 1400. The improved public access to CTA materials was designed to “minimize. . .the cost to licensee.” *Id.* at 1401.

Thus, the FCC has already weighed the cost to the licensee of public file maintenance and the benefits to the public and it of easy public access to those files. It struck the balance in favor of the

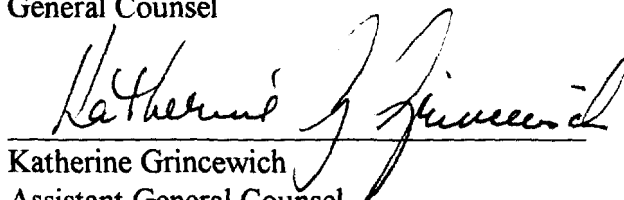
public. Modifying the main studio rule to permit relocation of the studio and its public files outside the licensee's community contour or beyond a 25-mile limit would make it practically impossible for the public to exercise its right to use public file information to participate in licensee renewals and other proceedings. USCC therefore urges the FCC to adopt UCC's proposal to require the main studio and accompanying public file is located within the principal community contour of the broadcast licensee and in any event not outside a radius of 25 miles from the center of community of license.

Respectfully submitted,

United States Catholic Conference



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